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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,072

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Zehavi Eyal

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01/03/2006

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EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,072

Applicant(s)

EYAL, ZEHA VI

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 30 is/are rejected.
- 7) ☒ Claim(s) 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, 13-117, 19-24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Shalom et al. (US 6,535,131) in view of Suzuki (US 6,761,131).

Regarding claim 1, Bar-Shalom et al. disclose a security system for alerting of security situation based on at least one animal behavior comprising:

at least one audio sensor (126) for sampling animal sounds (figure 1);

analog to digital (A/D) converter (102) and amplifier (104, figure 1);

an audio processor and analyzer (106) for differentiating between different signal source and identifying single bark sound in accordance with received measurements and for identifying characteristic sound signal patterns and determining alert level by comparing identified characteristic of sound patterns to predefined values (figure 1); and

terminal unit (110) for notifying user of alert situations (col. 5, line 27 through col. 6, line 55).

Bar-Shalom et al. disclose the security system for monitoring animals (dog, cat, horse, and cow) behavior, in general, based upon distinctive sound patterns monitored

(col. 1, lines 18-23 and lines 53-66) but not specify disclose the use of the audio sensor for sampling dog sounds. Suzuki teaches a system for determining dog's emotions by vocal analysis of barking sounds including a transducer for receiving and converting a voice made by a dog into digital-audio signal and comparing a voice pattern, extracted by extractor (3), with a reference pattern to determine dog's emotions (figure 1 and abstract). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the dog's emotion determination system as taught by Suzuki in the system as disclosed by Bar-Shalom et al. for the purpose of detecting dog behavior in order to notify the user of the security situation.

Regarding claims 3-7, Bar-Shalom et al. disclose the instant claimed invention except for sound signal characteristics are signal time domain parameters and signal frequency domain parameters. Suzuki teaches the sound signal are characteristics in both time and frequency domain parameters (col. 4, line48 through col. 6, line 42). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the signal time domain and signal frequency domain parameters as taught by Suzuki in the system as disclosed by Bar-Shalom et al. for the purpose of providing frequency/amplitude varying in time in order to identify the distress/emotion of the dog.

Regarding claim 8, Bar-Shalom et al. disclose filtering procedures are being used to filter out ambient noise and other undesired sounds (col. 7, lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time the invention was

made to use a band-pass filter for filtering out all background noise and signal normalization module in order to prevent fall-alarm condition.

Regarding claims 9-10, Suzuki teaches the system for determining dog's emotion by detecting dog bark and sound pattern must relates to barks, sniff, pant, or breath.

Regarding claim 13, Bar-Shalom et al. disclose the sensor located at a distance from the processing/analyzing and control units, further include a communication module for transferring information between the units (figure 1).

Regarding claims 14-16, Suzuki teach an audio sensor located in the dog's vicinity (figure 1) and Suzuki further teaches that the microphone also being wireless so as to attach a dog body (col. 3, lines 64-66). Since Suzuki teaches the sensor unit being wireless, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sensor to be a implant sensor for the purpose of providing a portable device that monitoring the dog sounds wherever the dog located.

Regarding claims 17, 19-24 and 27, the claimed method steps would have been inherent in the product structure as stated in claims 1, 3-10 and 13-16 above.

3. Claim 2, 11-12, 18, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Shalom et al., as modified, as applied to claim 1 above, and further in view of Gentry (US 5,818,354).

Regarding claims 2 and 11-12, Bar-Shalom et al. disclose distinctive sound patterns accompanying cardiac and respiration activities but fail to disclose at least one

biological sensor for measuring dog physiological status. Gentry teaches an animal monitoring system including a pair of biological sensors including a heartrate sensor (20) and temperature sensor (22) for measuring animal physiological status (abstract). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use biological sensor as taught by Gentry in the system as disclosed by Bar-Shalom et al., as modified, for the purpose of monitoring animal/dog physiologic status in order to alert the user the physiologic condition of the animal.

Regarding claims 18 and 25-26, the claimed method steps would have been inherent in the product structure as stated in claim 2 and 11-12 above.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Regarding claim 30, Bar-Shalom et al. disclose a security system for alerting of security situation based on at least one animal behavior comprising:

one audio processor and analyzer (106) for differentiating between different signal source and identifying single bark sound in accordance with received measurements from at least one audio sensor (126) and for identifying characteristic sound signal patterns and determining alert level by comparing identified characteristic of sound patterns to predefined values (figure 1, col. 5, line 27 through col. 6, line 55).

Bar-Shalom et al. disclose the security system for monitoring animals (dog, cat, horse, and cow) behavior, in general, certain physiological processes and activities of animals are accompanied with distinctive sound patterns monitored (col. 1, lines 18-23 and 53-66). Bar-Shalom et al. further disclose by receiving, identifying, storing,

analyzing, and processing the distinctive sound patterns to learn about the physiological processes, activities, and behavior of an animal or a group of animals to provide physiological condition to the attendant (col. 2, lines 10-17). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the processor and analyzer (106) also used for identifying the characteristics of physiological data to determine alert level signal and data of the physiological condition of the animals to enable the attendant to discover the causes.

Allowable Subject Matter

5. Claims 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vodyanoy et al. (US 2003/0130568), Okitsu (US 2002/0026311), and Van Curen et al. (US 6,058,889).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tai T. Nguyen
Examiner
Art Unit 2632

December 28, 2005